

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ALPER KOLCU, Plaintiff, v. VERIZON COMMUNICATIONS, INC., Defendant.	Case No. 23-CV-0849
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DEFENDANT’S ANSWER AND DEFENSES

NOW COMES Defendant, Verizon Communications, Inc. (“Defendant”), by and through its attorneys, Jackson Lewis P.C., by Brian G. Nuedling and Michaela A. Hendricks, and hereby denies the averments as set forth in Plaintiff’s Complaint, except to the extent hereinafter admitted or qualified, and further states as follows:

ANSWER TO COMPLAINT (ECF No. 1)

I. The Parties to This Complaint

A. The Plaintiff(s): “Alper Kolcu, 225 N. 66th Street, Milwaukee Co. WI 53213; 1(312) 404-2424; alkolcu@gmail.com.”

ANSWER: Defendant is of the understanding that the information in the preceding paragraph is true with respect to Plaintiff’s mailing address and telephone number. Defendant believes that the email address in the preceding paragraph is incorrect. Regardless, Defendant holds Plaintiff to his strict proof with respect to any matters related to biographical or contact information.

B. The Defendant(s): “Verizon Communication Inc. (See Also attached Def. List), 1 Verizon Way, VC34W453, Basking Ridge, Somerset Co[.] NJ 07920; 908.559.0232.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Verizon Communications, Inc. maintains business operations at One Verizon Way, Basking Ridge, NJ 07920. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies the remainder of the preceding paragraph, including as to all claims against any other previously named defendant, as all claims against any other party have been dismissed, and those parties have been dismissed as defendants in this matter pursuant to the Court’s Decision and Order dated February 1, 2024 (ECF No. 69) and the Court's Text Only Order (ECF No. 71), entered on February 6, 2024. Finally, Defendant denies any allegations set forth in the document "Defendant List."

C. Place of Employment: “The address at which I sought employment or was employed by the defendant(s) is Verizon New Berlin Office, 15725 Ryerson Rd., New Berlin, Waukesha Co. WI, 53151; 262-827-0260.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff was previously employed at a Verizon business location situated at 15725 W. Ryerson Road, New Berlin, WI 53151. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

II. Basis for Jurisdiction

“This action is brought for discrimination in employment pursuant to Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin); Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117; Other federal law - See attached 'II. Applicable Laws'; "Relevant state law - See attached 'II. Applicable Laws'; Relevant city or county law - See attached 'II. Applicable Laws'”.

ANSWER: The preceding paragraph sets forth a description of Plaintiff's Complaint, rather than factual averments to which a response is required. To the extent that a response is required, Defendant denies any liability for any reason whatsoever. Pursuant to the Court's Decision and Order dated February 1, 2024 (ECF No. 69), all claims, except (1) claims alleging discrimination on the basis of religion in violation of Title VII, (2) claims alleging discrimination on the basis of national origin in violation of Title VII, (3) claims alleging discrimination on the basis of disability in violation of the Americans with Disabilities Act ("ADA"), and (4) claims alleging retaliation under both Title VII and the ADA, have been dismissed. Defendant denies any remaining allegations in the preceding paragraph. Finally, Defendant denies any allegations set forth in the document "Applicable Laws."

III. Statement of Claim

A. "The discriminatory conduct of which I complain in this action includes: Failure to hire me; Termination of my employment; Failure to promote me; Failure to accommodate my disability; Unequal terms and conditions of my employment; retaliation; other acts (disparate treatment, illegal actions, see attached Files I-VI[.])"

ANSWER: The preceding paragraph sets forth a description of Plaintiff's Complaint, rather than factual averments to which a response is required. To the extent that a response is required, Defendant denies any liability for any reason whatsoever. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph. Finally, Defendant denies any allegations set forth in "Files I-VI."

B. "It is my best recollection that the alleged discriminatory acts occurred on dates(s) Starting in October of 2019 throughout the employment up to termination on October 2021."

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

C. “I believe that defendant(s) is/are still committing these acts against me.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

D. “Defendant(s) discriminated against me based on my: religion - Alevi Muslim; national origin - Turkey; age (year of birth) - 1983; disability or perceived disability - Sleep Apnea, Respiratory Issues, Severe Depression[.]”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies all allegations of discriminatory practices. Defendant also denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Pursuant to the Court’s Decision and Order dated February 1, 2024 (ECF No. 69), Plaintiff cannot proceed with any claim alleging a violation of the Age Discrimination in Employment Act ("ADEA").

E. “The facts of my case are as follows. Please see attached: III. Disparate Treatment; IV. Harassment; V. Denial of Accommodations; VI. Federal Compliance Matter; EEOC Complaint Case #443-2021-00971; EEOC Complaint Case #443-2022-00352; Preliminary Statement, dated 06/25/2023.”

ANSWER: The preceding paragraph sets forth a description of Plaintiff’s Complaint, rather than factual averments to which a response is required. To the extent that a response is required, Defendant denies any liability for any reason whatsoever. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

IV. Exhaustion of Federal Administrative Remedies

A. “It is my best recollection that I filed a charge with the Equal Employment Opportunities Commission or my Equal Employment Opportunity counselor regarding the defendant’s alleged discriminatory conduct on March 06, 2021 and November 06, 2021.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed two Charges of Discrimination with the U.S. Equal Employment Opportunity Commission. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

B. “The Equal Employment Opportunity Commission issued a Notice of Right to Sue letter, which I received on 03/27/2023.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that the Equal Employment Opportunity Commission advised Plaintiff that it was issuing a Dismissal and Notice of Rights with respect to EEOC Charge No. 443-2022-00354. However, Defendant denies that any Dismissal and Notice of Rights documents are included in Plaintiff’s Complaint. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

V. Relief

- “The defendant [*sic*] suffered not only extreme emotional stress but also series of physical harm resulting from the employer’s malicious actions.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “The defendant [*sic*] had taken Short-Term-Disability, series of unpaid time-off, loss of income due to pretext low ratings.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff was approved for short-term disability leave and other time off. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “The defendant [*sic*] continues to have physical therapies as well as psychiatric visits to this day.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “The employer also discontinued the COBRA insurance retroactively to termination of employment which resulted the hospital bills exceeding \$200k.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “The defendant [*sic*] seeks \$1,860,000.000 for loss revenue, emotional distress, loss of health, unpaid medical bills.”

ANSWER: The preceding paragraph is a prayer for relief which does not require a response. To the extent that an answer is required, Defendant denies that Plaintiff is entitled to any relief on any grounds whatsoever. Defendant further states that the relief requested by Plaintiff vastly exceeds any relief permitted by statute or common law.

- “In addition, the defendant [*sic*] seeks \$100,000.00 for legal fees, experts and others involved.”

ANSWER: The preceding paragraph is a prayer for relief which does not require a response. To the extent that an answer is required, Defendant denies that Plaintiff is entitled to any relief on any grounds whatsoever.

- “The defendant [*sic*] seeks the items listed under Section “Relief” in the “Preliminary Statement” attached.”

ANSWER: The preceding paragraph is a prayer for relief which does not require a response. To the extent that an answer is required, Defendant denies that Plaintiff is entitled to any relief on any grounds whatsoever. Defendant further states that the relief requested by Plaintiff vastly exceeds any relief permitted by statute or common law.

PRELIMINARY STATEMENT

- “This complaint is submitted on behalf of Alper Kolcu (hereinafter “Al” and/or the “employee” and/or “Complainant”); and without waiving any procedural or substantive rebuttals; He respectfully submit [*sic*] it as a rebuttal to the formal response from Respondent MCI Communications Services LLC d/b/a Verizon (hereinafter, “Verizon” and/or “VZB” and/or the “Company” AND/OR [*sic*] “Respondent”) 1 entered on June 17th, 2021 in response to above reference [*sic*] charge filed by Alper Kolcu of discrimination on the basis of disability, national origin (Turkey), religion (Muslim), race and retaliation for engaging in protected activity, in violation of Title I of the Americans with Disabilities Act of 1990, as amended, and Title VII of the Civil Rights Act of 1964, as amended.”

ANSWER: The preceding paragraph sets forth a partial description of Plaintiff’s cause of action, rather than factual averments to which a response is required. Further, the preceding paragraph appears to relate to previous administrative proceedings, rather than the Complaint that is before this Court. Finally, pursuant to the Court’s Decision and Order dated February 1, 2024 (ECF No. 69) and the Court’s Text Only Order (ECF No. 71), entered on February 6, 2024, only Verizon Communications, Inc., is a defendant in this action. To the extent that a response to the preceding paragraph is required, Defendant denies any liability for any reason whatsoever. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of

wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph, including any allegations set forth in Footnote 1.

- “Information contained in this rebuttal position statement is based on documents archived by the employee as of today and the employee respectfully reserves the right to amend it in the future^{2,3}.”

ANSWER: The preceding paragraph sets forth a partial description of Plaintiff’s cause of action, rather than factual averments to which a response is required. Further, the preceding paragraph appears to relate to previous administrative proceedings, rather than the Complaint that is before this Court. To the extent that a response to the preceding paragraph is required, Defendant denies any liability for any reason whatsoever. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph, including any allegations set forth in Footnotes 2 and 3.

- “Al began his employment on or around May 20, 2019, and was employed as an Engineering Specialist 3, described as management employee per Verizon standards while utilizing his Civil Engineering degrees.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits that on or about May 20, 2019, Defendant hired Plaintiff for the position of Engineer III Specialist. Defendant further admits that Plaintiff’s position was classified as management. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “During this employment, Al was subjected to various slurs regarding his national origin and religion by Tom and few members of the team, located at New Berlin, Wisconsin.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “Al complained to the Human Resources about the harassment he was subjected to on multiple occasions, and it did nothing to stop the harassment.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed internal complaints to Defendant's Human Resources Department. However, Defendant asserts that Defendant acted reasonably and in good faith with respect to those matters. Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Not only the HR disregarded AL’s inquiries, but his manager also started retaliating against him by assigning additional work, lowering his performance score, denying the bonus most employees receive, assigning him to field work throughout the winter months despite cold weather conditions and without the proper training or Personal Protective Equipment (PPE), which are listed as mandatory compliance per USA Department of Labor (DOL) and Occupational Safety and Health Administration (OSHA). (*See Exhibit 1 for details*)[.]”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies any allegations set forth in "Exhibit 1."

- “During this time, he was forced to inspect underground (UG) manholes against his will and responsibilities.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

- “Despite the OSHA requirements set forth by USA DOL, he was not supplied with PPE, Traffic Control Measurements, City Permits for inspection, UG manhole inspection apparatuses or any other instruments set forth by OSHA standards.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “During these winter months, Al had two slip and fall incidents which were disregarded or displayed as poor skillsets of him.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations related to "slip and fall incidents" and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “During the first months of 2020, Al started experiencing lower back pain and strains on his spine.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “He immediately sought Physical Therapy, however, found no available appointments until May 2020 due to Covid-19 pandemic.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all

assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Since May of 2020, he has been visiting PT clinics, chiropractors, urgent clinics, Primary Care Physicist.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Due to excess toxic gases Al started to experience upper respiratory issues where he developed bacterial infections two separate times and prescribed with heavy antibiotics by an urgent clinic in December of 2019 and February of 2020. (*See Exhibit A: Medical Reports-Confidential*)[.]”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph. Finally, Defendant denies any allegations set forth in "*Exhibit A: Medical Reports-Confidential*)."

- “In addition to the respiratory issues, he had two separate slip and fall occasions which resulted with chronic backpain, injured knee and injuries to his lower back.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “As US government declared pandemic emergency under Covid-19 conditions, he wasn’t able to secure a spinal specialist until May 2020.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph related to a "spinal specialist" and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “When the doctor ordered X-Ray on his lower back, it revealed injuries to his lower back including the region described as L3, L4 and L5-SI per spinal specialist terms.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “In addition, there were injuries to his facet joints where it restricts his mobility, if not permanent, in the long term. (*See Exhibit A: Medical Records-Confidential*)[.]”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph. Finally, Defendant denies any allegations set forth in "*Exhibit A: Medical Records-Confidential*)."

- “As a result, he was forced to take a leave of absence as an accommodation in May 2020.”

ANSWER: Defendant denies the allegations in the preceding paragraph as they are stated. Defendant admits only that Plaintiff was approved for short-term disability leave beginning on or about May 4, 2020. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “In November 2020, the Respondent stopped making disability insurance payments to Al and the remainder of the leave of absence was unpaid.”

ANSWER: Defendant denies the allegations in the preceding paragraph as they are stated. Defendant admits only that Plaintiff was approved for short-term disability leave from on or about May 4, 2020, until on or about November 1, 2020. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “In January 2021, he was told that he had to return to work in February 2021 or face termination.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “He has chosen to return under duress and was given a negative performance rating, low bonus and no raise for my work during the 2020 calendar year.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff received a 2020 job-performance evaluation that raised legitimate, non-discriminatory concerns about his job performance. The evaluation was based only on the dates in 2020 in which he performed work for Defendant, not on dates on which he was on leave. However, Defendant denies that any unlawful actions or harm occurred and denies all

assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “When I returned some of my job duties were removed which is effectively a demotion.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation that resulted in revisions to Plaintiff’s job duties, so that Defendant could maintain proper staffing and ensure continuity with respect to the completion of job duties. However, Defendant denies that Plaintiff was "demoted." Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “On February 4th of 2021, He [*sic*] also gave the Respondent a letter from a medical provider detailing accommodation requests which were not granted (*See Exhibit A: Healthcare Provider (HCP) medical report*).³”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff produced a document from a medical provider that set forth recommendations with respect to Plaintiff’s employment. Defendant asserts that Defendant acted reasonably and in good faith with respect to this matter. Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph. Finally, Defendant denies any allegations set forth in "*Exhibit A: Healthcare Provider (HCP) medical report*" and Footnote 3.

- “Al also has applied for at least 90+ positions within the past 2 (two) years and he has not been selected based on the retaliatory and discriminatory End-Of-Year evaluation he last received by his supervisor Tom Pietila in February of 2021. (See attached list of jobs applied internally listed in Exhibit B; E-mail records. Confidential Information)[.]”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff has applied for other positions of employment with Defendant. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph. Finally, Defendant denies any allegations set forth in "list of jobs applied internally listed in Exhibit B; E-mail records. Confidential Information."

JURISDICTION AND VENUE

1. "This Court has jurisdiction pursuant to 29 U.S.C. § 701, Rehabilitation Act of 1973 and 28 U.S.C. §§ 1331, Title VII, and related sections applicable as the United States and/or its agencies are a named defendant to the action."

ANSWER: The allegations in the preceding paragraph are legal conclusions that do not require a response. Defendant does not dispute that this Court has subject-matter jurisdiction over Plaintiff's claims. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies the remainder of the preceding paragraph. Pursuant to the Court's Decision and Order dated February 1, 2024 (ECF No. 69), all claims, except (1) claims alleging discrimination on the basis of religion in violation of Title VII, (2) claims alleging discrimination on the basis of national origin in violation of Title VII, (3) claims alleging discrimination on the basis of disability in violation of the Americans with Disabilities Act ("ADA"), and (4) claims alleging retaliation under both Title VII and the ADA, have been dismissed. Finally, and pursuant to the Court's Decision and Order (ECF No. 69) and the Court's Text Only Order (ECF No. 71), all previously named parties, with the exception of Verizon Communications, Inc., have been dismissed as defendants in this matter.

2. "The unlawful employment practices alleged below were committed and/or executed by supervisory personnel of the MCI d/b/a Verizon Communications, Inc. ("VZB" or "employer"). The claims arise from events in the New Berlin, WI. Office of Verizon Business, Network Engineering Team located at 15725 W Ryerson Rd, New Berlin, WI, 53151.

Accordingly, venue lies in the United States District Court for the District of Columbia under 28 U.S.C. § 1391(b) and 42 U.S.C. § 2000e-5(f)(3) and listed under attached document labeled 'II. Applicable Laws'["]

ANSWER: Defendant does not dispute that this matter is properly venued before this Court. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies the remainder of the preceding paragraph. Pursuant to the Court's Decision and Order dated February 1, 2024 (ECF No. 69), all claims, except (1) claims alleging discrimination on the basis of religion in violation of Title VII, (2) claims alleging discrimination on the basis of national origin in violation of Title VII, (3) claims alleging discrimination on the basis of disability in violation of the Americans with Disabilities Act ("ADA"), and (4) claims alleging retaliation under both Title VII and the ADA, have been dismissed. Finally, and pursuant to the Court's Decision and Order (ECF No. 69) and the Court's Text Only Order (ECF No. 71), all previously named parties, with the exception of Verizon Communications, Inc., have been dismissed as defendants in this matter. Finally, Defendant denies any allegations set forth in the "document labeled 'II. Applicable Laws'."

PARTIES

3. "The pro se Plaintiff, Alper Kolcu, is an adult individual who has a mailing address of 225 N 66th Street, Milwaukee, WI, 53213. His phone number is: (312) 404-2424. His email is:alkolcu@gmail.com. At all relevant time [*sic*] prior to the demotion at issue in this matter, Plaintiff was Engineering Specialist III, working for Verizon Business unit in design, permitting and management of network improvement projects."

ANSWER: Defendant is of the understanding that the information in the preceding paragraph is true with respect to Plaintiff's mailing address and telephone number. Defendant believes that the email address in the preceding paragraph is incorrect. Regardless, Defendant holds Plaintiff to his strict proof with respect to any matters related to biographical or contact information. Defendant admits that on or about May 20, 2019, Defendant hired Plaintiff for the

position of Engineer III Specialist, working for Verizon Business unit in design, permitting, and management of network improvement projects. However, Defendant denies that Plaintiff was "demoted." Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

4. "The Defendants, listed under the document 'I- Defendant List', are/were management officials at the Verizon New Berlin office, unless noted otherwise, that employed the Plaintiff and is the named defendants herein in their official capacity. Defendants noted under Verizon HR Group are the defendants herein in their individual capacity as well."

ANSWER: Defendant denies the allegations in the preceding paragraph. Pursuant to the Court's Decision and Order dated February 1, 2024 (ECF No. 69), all claims, except (1) claims alleging discrimination on the basis of religion in violation of Title VII, (2) claims alleging discrimination on the basis of national origin in violation of Title VII, (3) claims alleging discrimination on the basis of disability in violation of the Americans with Disabilities Act ("ADA"), and (4) claims alleging retaliation under both Title VII and the ADA, have been dismissed. Further, and pursuant to the Court's Decision and Order (ECF No. 69) and the Court's Text Only Order (ECF No. 71), all previously named parties, with the exception of Verizon Communications, Inc., have been dismissed as defendants in this matter. Defendant denies any allegations set forth in "I -Defendant List."

5. "Verizon engages in commerce for the purposes of businesses involved within the Telecommunications Act and qualifies as an employer within the meaning of the statute and regulations at issue. Verizon is also a Federal Contractor securing contracts listed in the attached documents 'VI- Federal Compliance Matter'[.]"

ANSWER: The allegations in the preceding paragraph are legal conclusions that do not require a response. To the extent that a response is required, Defendant admits only that Defendant is a foreign business corporation authorized to conduct business in Wisconsin. However,

Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant, whether in regard to any federal or state statute, or any other law or regulation. Defendant denies any remaining allegations in the preceding paragraph. Finally, Defendant denies any allegations set forth in "VI- Federal Compliance Matter."

STATEMENT OF FACTS

6. "The Plaintiff was hired for the position of Engineering Specialist III, for the Project Management of the Office of Verizon Network Management on May 1, 2019."

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits that on or about May 20, 2019, Defendant hired Plaintiff for the position of Engineer III Specialist. Defendant further admits that Plaintiff's position was classified as management. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

7. "The Plaintiff reported to Sr. Manager Thomas Pietila as his first level supervisor from May 1st of 2019 to December 31st, 2021."

ANSWER: Defendant admits that Plaintiff reported to Senior Manager Thomas Pietila from May 1, 2019, to December 31, 2021. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

8. "Plaintiff reported HR Complaints starting October of 2019 throughout his employment until Fall of 2021."

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed internal complaints to Defendant's Human Resources Department. However, Defendant asserts that Defendant acted reasonably and in good faith with respect to those matters. Defendant denies that any unlawful actions or harm occurred

and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

9. “Plaintiff listed the timeline of events listed in the attached exhibits titled ‘III-Disparate Treatment’, ‘IV-Harassment’, ‘V-Denial Of Accommodations’ and ‘VI-Federal Compliance Matter’.”

ANSWER: The preceding paragraph sets forth a partial description of Plaintiff’s cause of action, rather than factual averments to which a response is required. To the extent that a response is required, Defendant denies any liability for any reason whatsoever. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph. Finally, Defendant denies any allegations set forth in "attached exhibits titled ‘III-Disparate Treatment’, ‘IV-Harassment’, ‘V-Denial Of Accommodations’ and ‘VI-Federal Compliance Matter’.”

10. “Plaintiff is a person with disability within the meaning of Rehabilitation Act of 1973, in that his impairment substantially interferes with the major life activities as listed in the document titled ‘Medical Records’[.]”

ANSWER: The preceding paragraph sets forth legal determinations to which a responsive pleading is not required. To the extent that the allegations constitute assertions of fact, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph. Defendant denies any allegations set forth in the "document titled ‘Medical Records’."

Plaintiff's Prior Protected Activities

11. “Plaintiff entered HR complaint against the retaliatory and discriminatory behaviors of multiple people at the office, starting in October of 2019 throughout his employment up until termination on December 31st, 2021.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed internal complaints to Defendant's Human Resources Department. However, Defendant asserts that Defendant acted reasonably and in good faith with respect to those matters. Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

12. “Plaintiff submitted EEOC complaint, as discrimination continued, on March 6th of 2021.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed two Charges of Discrimination with the U.S. Equal Employment Opportunity Commission. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph..

13. “Plaintiff submitted EEOC complaint, as retaliation increased, on November 6th of 2021.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed two Charges of Discrimination with the U.S. Equal Employment Opportunity Commission. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “The Plaintiff alleges that based on his disability identified above, his prior protected activities identified above, and based on his religion (Muslim Alevi), his national origin (Turkey) he was discriminated and retaliated against as follows:”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies all allegations of discriminatory practices. Defendant also denies that any unlawful actions occurred and denies all assertions of wrongdoing on the part of Defendant.

14. “Faced discrimination listed under the document titled 'III-Disparate Treatment’[.]”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies all allegations of discriminatory practices. Defendant also denies that any unlawful actions occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any allegations set forth "in the document titled 'III-Disparate Treatment’."

15. “Faced harassment listed under the document titled ‘IV-Harassment’[.]”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies all allegations of discriminatory practices. Defendant also denies that any unlawful actions occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any allegations set forth in the "document titled 'IV-Harassment’."

16. “Denied reasonable accommodations listed under the document titled ‘V-Denial Of Accommodations’[.]”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies all allegations of discriminatory practices. Defendant also denies that any unlawful actions occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any allegations set forth in the "document titled 'V-Denial Of Accommodations.’."

17. “Faced scrutiny with illegal actions against Federal Compliance[.]”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies all allegations of discriminatory practices. Defendant also denies that any unlawful actions occurred and denies all assertions of wrongdoing on the part of Defendant.

CLAIM

18. “Due to excessive toxic gases Al started to experience upper respiratory issues where he developed bacterial infections two separate times and prescribed with heavy antibiotics by an urgent clinic in December of 2019 and February of 2020. (See Exhibit A: Medical Reports-Confidential)”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies any allegations set forth in "Exhibit A: *Medical Reports-Confidential*)."

19. “In addition to the respiratory issues, he had two separate slip and fall occasions which resulted with chronic backpain, injured knee and injuries to his lower back.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “As US government declared pandemic emergency under Covid-19 conditions, he wasn't able to secure a spinal specialist until May 2020.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph related to a "spinal specialist" and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “When the doctor ordered X-Ray on his lower back, it revealed injuries to his lower back including the region described as L3, L4 and L5-SI per spinal specialist terms.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those

grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “In addition, there were injuries to his facet joints where it restricts his mobility, if not permanent, in the long term. (See Exhibit A: Medical Records-Confidential)[.]”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies any allegations set forth in "Exhibit A: Medical Records-Confidential)."

20. “As a result, he was forced to take a leave of absence as an accommodation in May 2020.”

ANSWER: Defendant denies the allegations in the preceding paragraph as they are stated. Defendant admits only that Plaintiff was approved for short-term disability leave beginning on or about May 4, 2020. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “In November 2020, the Respondent stopped making disability insurance payments to Al and the remainder of the leave of absence was unpaid.”

ANSWER: Defendant denies the allegations in the preceding paragraph as they are stated. Defendant admits only that Plaintiff was approved for short-term disability leave from on or about May 4, 2020, until on or about November 1, 2020. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

21. “In January 2021, he was told that he had to return to work in February 2021 or face termination.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- "He has chosen to return under duress and was given a negative performance rating, low bonus and no raise for my work during the 2020 calendar year.

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff received a 2020 job-performance evaluation that raised legitimate, non-discriminatory concerns about his job performance. The evaluation was based only on the dates in 2020 in which he performed work for Defendant, not on dates on which he was on leave. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- "When Al returned some of his job duties were removed which is effectively a demotion."

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation that resulted in revisions to Plaintiff's job duties, so that Defendant could maintain proper staffing and ensure continuity with respect to the completion of job duties. However, Defendant denies that Plaintiff was "demoted." Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- "On February 4th of 2021, He [sic] also gave the Respondent a letter from a medical provider detailing accommodation requests which were not granted (*See Exhibit A: Healthcare Provider (HCP) medical report*).³"

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff produced a document from a medical provider that set forth recommendations with respect to Plaintiff's employment. Defendant asserts that Defendant acted reasonably and in good faith with respect to this matter. Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph. Finally, Defendant denies any allegations set forth in "Exhibit A: *Healthcare Provider (HCP) medical report*" and Footnote 3.

21. "Al also has applied for at least 90+ positions within the past 300 days and he has not been selected based on the retaliatory and discriminatory End-Of-Year evaluation he last received by his supervisor Tom Pietila in February of 2021. (See attached list of jobs applied internally listed in Exhibit B; E-mail records. Confidential Information)[.]"

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff has applied for other positions of employment with Defendant. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph. Finally, Defendant denies any allegations set forth in "list of jobs applied internally listed in Exhibit B; E-mail records. Confidential Information."

22. "The evidence presented by Al in this case proves that the company acted with intentional discriminatory animus resulting in the deprivation of Al's fundamental civil rights."⁶

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further, denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies any allegations set forth in Footnote 6.

23. "The employer fails to address the increased workload, continuous harassment details the employees provided and also lies about the chain of events on when Al's work responsibilities changed."^{8,9}

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further, denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant further denies any allegations set forth in Footnotes 8 and 9.

24. “The respondent's hostile and different treatment of Al compared to other members of the team, which are all White and Christian in faith, establishes additional evidence of religious discrimination as well as circumstantial evidence of race, color, ethnic background, national origin and disability discrimination.¹⁰”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant also denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Finally, Defendant denies any allegations set forth in Footnote 10.

25. “Discriminatory motive can be inferred from the differences in the treatment of two groups.¹⁰”

ANSWER: Defendant asserts that the allegations set forth in the preceding paragraph are a statement of law that does not require a response. To the extent that an answer is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant further denies any allegations set forth in Footnote 10.

26. “Direct evidence ‘if believed, results in an inescapable, or at least highly probable, inference that a forbidden bias was present’ in the challenged conduct.¹⁰”

ANSWER: Defendant asserts that the allegations set forth in the preceding paragraph are a statement of law that does not require a response. To the extent that an answer is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant further denies any allegations set forth in Footnote 10.

27. “Direct evidence can consist of statements of discriminatory intent. (See chain of email about ‘The Dog Incident’ where Al clearly make apologies to the team about rescuing a dog.

ANSWER: Defendant asserts that the first sentence of the preceding paragraph is a statement of law that does not require a response. To the extent that an answer is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any allegations of wrongdoing related to "the Dog Incident." Defendant denies any remaining allegations in the preceding paragraph.

- Tom replies to AI in an email indicating he should not have sent the email despite AI complains about Corey and Marc's statements about AI's trustworthiness. This incident was also shared with HRBP).¹⁰,

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations as to the content or substance of the referenced communication and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies any allegations set forth in Footnote 10.

28. "Defendant [*sic*] tried to resolve the employment matters throughout the time with the professionalism by using communication skills, consulting with HR and reaching out to the upper leadership."

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

29. "The defendant [*sic*] tried resolving employment matters by entering two EEOC cases in March and November of 2021."

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed two Charges of Discrimination with the U.S. Equal Employment Opportunity Commission. However, Defendant denies that any unlawful

actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

30. “The defendant [*sic*] agreed to have mediation to be carried out by EEOC.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

31. “The plaintiff [*sic*] refused to mediate with EEOC matters.”

ANSWER: Defendant admits only that Plaintiff filed two Charges of Discrimination with the U.S. Equal Employment Opportunity Commission. Defendant asserts that it acted reasonably and in good faith with respect to those matters. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

32. “The plaintiff [*sic*] lied to the EEOC investigators about mass reduction of labor which included the defendant [*sic*].”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

33. “The plaintiff [*sic*] lied to the EEOC about the points system where the defendant [*sic*] received the lowest in the team during the selection process of reduction in force (RIF).”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that Defendant used a point average system as part of Defendant's performance evaluation process. Defendant also denies that unlawful actions or harm occurred and denies all

assertions of wrongdoing on the part of Defendant. Finally, Defendant denies any remaining allegations in the preceding paragraph.

34. “The defendant [*sic*] had one of the highest degrees in the office, most languages spoken (Turkish, English, Spanish and Chinese), higher education in 3 different continents, a decade of telecommunications experience in at&t [*sic*] wireline which is identical to Verizon Business (wireline), direct knowledge of engineering principals and the defendant [*sic*] was the only civil engineer in the office that is knowledgeable about the construction standards, OSHA compliance and any other compliance matters for local, state and federal government.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

35. “No other individuals that was subjected to the point average system was subjected to the scrutiny the defendant went through.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that Defendant used a point average system as part of Defendant's performance evaluation process. Defendant also denies that unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies any remaining allegations in the preceding paragraph.

RELIEF

- “The defendant [*sic*] suffered not only extreme emotional stress, pain, and suffering but also series of physical harm. In addition, the defendant [*sic*] suffered inconvenience, mental anguish, loss of enjoyment of life, injury to professional standing, injury to character or reputation, injury to credit standing, loss of health, fright, shock, humiliation, indignity, apprehension, marital strain, loss of self-esteem, anxiety, depression, loss of respect of one's friends and family, isolation, and grief resulting from the employer's malicious actions.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “The defendant [*sic*] had taken Short-Term-Disability, series of unpaid time-off, loss of income due to pretext low ratings.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff was approved for short-term disability leave and other time off. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “The defendant [*sic*] continues to have physical therapies as well as psychiatric visits to this day.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “The employer also discontinued the COBRA insurance retroactively to termination of employment which resulted the hospital bills exceeding \$200K.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “The defendant [*sic*] seeks \$60,000.00 for loss revenue, unpaid time-off, low performance ratings.”

ANSWER: The preceding paragraph is a prayer for relief which does not require a response. To the extent that an answer is required, Defendant denies the allegations of the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that

Plaintiff has any right or title to any damages, including those as described in the preceding paragraph.

- “The defendant [*sic*] seeks \$300,000.00 for emotional distress damages.”

ANSWER: The preceding paragraph is a prayer for relief which does not require a response. To the extent that an answer is required, Defendant denies the allegations of the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff has any right or title to any damages, including those as described in the preceding paragraph.

- “The defendant [*sic*] seeks \$250,000.00 for injury to character or reputation.”

ANSWER: The preceding paragraph is a prayer for relief which does not require a response. To the extent that an answer is required, Defendant denies the allegations of the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff has any right or title to any damages, including those as described in the preceding paragraph.

- “The defendant [*sic*] seeks \$250,000.00 for injury to credit standing.”

ANSWER: The preceding paragraph is a prayer for relief which does not require a response. To the extent that an answer is required, Defendant denies the allegations of the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff has any right or title to any damages, including those as described in the preceding paragraph.

- “The defendant [*sic*] seeks \$250,000.00 for loss of health.”

ANSWER: The preceding paragraph is a prayer for relief which does not require a response. To the extent that an answer is required, Defendant denies the allegations of the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff has any right or title to any damages, including those as described in the preceding paragraph.

- “The defendant [*sic*] seeks \$250,000.00 for marital strain.”

ANSWER: The preceding paragraph is a prayer for relief which does not require a response. To the extent that an answer is required, Defendant denies the allegations of the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff has any right or title to any damages, including those as described in the preceding paragraph.

- “The defendant [*sic*] seeks \$250,000.00 for unpaid medical bills.”

ANSWER: The preceding paragraph is a prayer for relief which does not require a response. To the extent that an answer is required, Defendant denies the allegations of the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff has any right or title to any damages, including those as described in the preceding paragraph.

- “The defendant [*sic*] seeks \$250,000.00 for fright, shock, humiliation, indignity, apprehension, loss of self-esteem, inconvenience, mental anguish, loss of enjoyment of life, anxiety, depression, loss of respect of one's friends and family, isolation, and grief.”

ANSWER: The preceding paragraph is a prayer for relief which does not require a response. To the extent that an answer is required, Defendant denies the allegations of the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff has any right or title to any damages, including those as described in the preceding paragraph.

- “The defendant [*sic*] seeks \$100,000.00 for legal expenses.”

ANSWER: The preceding paragraph is a prayer for relief which does not require a response. To the extent that an answer is required, Defendant denies the allegations of the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff has any right or title to any damages, including those as described in the preceding paragraph.

- “The defendant [*sic*] seeks any additional fees or payments the honorable judge or the jury trial may find suitable or applicable. Also seek injunctive relief against the plaintiffs [*sic*] to prevent future violations of federal or state laws.”

ANSWER: The preceding paragraph is a prayer for relief which does not require a response. To the extent that an answer is required, Defendant denies the allegations of the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant also denies that Plaintiff has any right or title to any damages, including those as described in the preceding paragraph.

CONCLUSION

28. “To prove a prima facie case of discrimination, a complainant must be a member of a protected class under G. L. c. 272, § 98 and denied access to equal rights or restricted in the use of services, Workplace accommodations, permitted under The Americans with Disabilities Act. (See WI link) 5,6,7,8,9,10

ANSWER: Defendant asserts that the allegations set forth in the preceding paragraph are a statement of law that does not require a response. To the extent that an answer is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant further denies any allegations set forth in Footnotes 5, 6, 7, 8, 9, and 10.

- The initial burden of establishing a prima facie case is not meant to be onerous; rather, the burden is "easily made" by simply producing evidence that the challenged conduct was "more likely than not" based upon impermissible factors. ^{5,6,7,8,9,10,}

ANSWER: Defendant asserts that the allegations set forth in the preceding paragraph are a statement of law that does not require a response. To the extent that a response is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant further denies any allegations set forth in Footnotes 5, 6, 7, 8, 9, and 10.

II. Applicable Laws

Jurisdiction

- “This Court has jurisdiction pursuant to 29 U.S.C. § 701, Rehabilitation Act of 1973 and 28 U.S.C. §§ 1331, Title VII, and related sections applicable as the United States and/or its agencies are a named defendant to the action.”

ANSWER: The allegations in the preceding paragraph are legal conclusions that do not require a response. Defendant does not dispute that this Court has subject-matter jurisdiction over Plaintiff's claims. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies the remainder of the preceding paragraph. Pursuant to the Court's Decision and Order dated February 1, 2024 (ECF No. 69), all claims, except (1) claims alleging discrimination on the basis of religion in violation of Title VII, (2) claims alleging discrimination on the basis of national origin in violation of Title

VII, (3) claims alleging discrimination on the basis of disability in violation of the Americans with Disabilities Act ("ADA"), and (4) claims alleging retaliation under both Title VII and the ADA, have been dismissed. Finally, and pursuant to the Court's Decision and Order (ECF No. 69) and the Court's Text Only Order (ECF No. 71), all previously named parties, with the exception of Verizon Communications, Inc., have been dismissed as defendants in this matter.

Discrimination

- “Title I of the Americans with Disabilities Act of 1990, as amended, and Title VII of the Civil Rights Act of 1964[.]”

ANSWER: Defendant asserts that the preceding paragraph is a statement of law that does not require a response. To the extent that a response is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant objects to any claims for relief not specifically permitted by the Court’s Decision and Order dated February 1, 2024 (ECF No. 69).

- “ADA of 1990 (42 U.S.C. 12117(a)), and section 505(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)(1)),”

ANSWER: Defendant asserts that the preceding paragraph is a statement of law that does not require a response. To the extent that a response is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant objects to any claims for relief not specifically permitted by the Court’s Decision and Order dated February 1, 2024 (ECF No. 69).

- “42 U.S.C. § 2000e-2(a) and 42 U.S.C. § 2000e-3 and 2000e(m)[.]”

ANSWER: Defendant asserts that the preceding paragraph is a statement of law that does not require a response. To the extent that a response is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

Defendant objects to any claims for relief not specifically permitted by the Court's Decision and Order dated February 1, 2024 (ECF No. 69).

- “42 U.S.C. 12205a[.]”

ANSWER: Defendant asserts that the preceding paragraph is a statement of law that does not require a response. To the extent that a response is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant objects to any claims for relief not specifically permitted by the Court's Decision and Order dated February 1, 2024 (ECF No. 69).

- “42 U.S.C. § 12112(a) and 12112(b)[.]”

ANSWER: Defendant asserts that the preceding paragraph is a statement of law that does not require a response. To the extent that a response is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant objects to any claims for relief not specifically permitted by the Court's Decision and Order dated February 1, 2024 (ECF No. 69).

- “Executive Orders; #11246, As Amended, EO #13672, EO #11478.”

ANSWER: Defendant asserts that the preceding paragraph is a statement of law that does not require a response. To the extent that a response is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant objects to any claims for relief not specifically permitted by the Court's Decision and Order dated February 1, 2024 (ECF No. 69).

- “29 C.F.R. Part 1640 (issued jointly with the Department of Justice, 28 C.F.R. Part 37)[.]”

ANSWER: Defendant asserts that the preceding paragraph is a statement of law that does not require a response. To the extent that a response is required, Defendant denies that any

unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant objects to any claims for relief not specifically permitted by the Court's Decision and Order dated February 1, 2024 (ECF No. 69).

- “Executive Order 12067[.]”

ANSWER: Defendant asserts that the preceding paragraph is a statement of law that does not require a response. To the extent that a response is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant objects to any claims for relief not specifically permitted by the Court's Decision and Order dated February 1, 2024 (ECF No. 69).

- “Section 1977 of the Revised Statutes (42 U.S.C. 1981) (2)[.]”

ANSWER: Defendant asserts that the preceding paragraph is a statement of law that does not require a response. To the extent that a response is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant objects to any claims for relief not specifically permitted by the Court's Decision and Order dated February 1, 2024 (ECF No. 69).

- “28 U.S.C. § 1391(b) and 42 U.S.C. § 2000e-5(f)(3).”

ANSWER: Defendant asserts that the preceding paragraph is a statement of law that does not require a response. To the extent that a response is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant objects to any claims for relief not specifically permitted by the Court's Decision and Order dated February 1, 2024 (ECF No. 69).

Retaliation

- “Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA[.]”

ANSWER: Defendant asserts that the preceding paragraph is a statement of law that does not require a response. To the extent that a response is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant objects to any claims for relief not specifically permitted by the Court's Decision and Order dated February 1, 2024 (ECF No. 69).

- "The Equal Pay Act; Section 503(b) of the ADA."

ANSWER: Defendant asserts that the preceding paragraph is a statement of law that does not require a response. To the extent that a response is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant objects to any claims for relief not specifically permitted by the Court's Decision and Order dated February 1, 2024 (ECF No. 69).

- "Laws under OFCCP: USA, DOL, Office of Federal Contract Compliance Programs."

ANSWER: Defendant asserts that the preceding paragraph is a statement of law that does not require a response. Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant objects to any claims for relief not specifically permitted by the Court's Decision and Order dated February 1, 2024 (ECF No. 69).

III. Disparate Treatment

A. "This is an employment-related action for violations of the employee, Alper Kolcu, (herein after 'Al', 'employee' or 'Plaintiff')'s civil rights and other rights by his employer, MCI d/b/a Verizon Communications, Inc (Which is also a Federal Contractor), under Rehabilitation Act of 1973, and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. ('Title VII')."

ANSWER: Defendant states that the preceding paragraph describes Plaintiff's legal claims and, as such, does not require a response. To the extent that a response is required, Defendant admits that Plaintiff alleges the referenced causes of action. However, Defendant denies

all allegations of discriminatory practices. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph. Pursuant to the Court's Decision and Order dated February 1, 2024 (ECF No. 69), all claims, except (1) claims alleging discrimination on the basis of religion in violation of Title VII, (2) claims alleging discrimination on the basis of national origin in violation of Title VII, (3) claims alleging discrimination on the basis of disability in violation of the Americans with Disabilities Act ("ADA"), and (4) claims alleging retaliation under both Title VII and the ADA, have been dismissed. Finally, and pursuant to the Court's Decision and Order (ECF No. 69) and the Court's Text Only Order (ECF No. 71), all previously named parties, with the exception of Verizon Communications, Inc., have been dismissed as defendants in this matter.

- “The employer engaged unlawful [*sic*] employment discrimination and also retaliation in violation of Rehabilitation Act of 1973 and in violation of Title VII by engaging in discriminatory and retaliatory acts against the Plaintiff based on his religion (Alevi Muslim), national origin (Turkey), and his disability (Sleep Apnea, asthma, reactive airways disease and borderline chronic obstructive lung disease resulting from inhalation of smoke and the varied toxic fumes from the work assigned within hazardous toxic contaminants within the underground manhole/vaults, owned and/or operated by Verizon and/or joint-use partners)[.]”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies all allegations of discriminatory or retaliatory practices. Defendant also denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “Al began his employment on or around May 20, 2019, and was employed as an Engineering Specialist 3, described as management employee per Verizon standards while utilizing his Civil Engineering degrees.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits that on or about May 20, 2019, Defendant hired Plaintiff for the position

of Engineer III Specialist. Defendant further admits that Plaintiff's position was classified as management. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “During this employment, Al was subjected to various slurs regarding his national origin and religion by Tom and few members of the team, located at New Berlin, Wisconsin.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “Al complained to the Human Resources about the harassment he was subjected to on multiple occasions, and Verizon HR did nothing to stop the harassment.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed internal complaints to Defendant's Human Resources Department. However, Defendant asserts that Defendant acted reasonably and in good faith with respect to those matters. Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Not only the HR disregarded Al's inquiries, but his manager also started retaliating against him by assigning additional work, lowering his performance review score, denying the bonus most employees receive, assigning him to field work throughout the winter months despite cold weather conditions and without the proper training or Personal Protective Equipment (PPE), which are listed as mandatory compliance per USA Department of Labor (DOL) and Occupational Safety and Health Administration (OSHA). (*See Exhibit 1 for details*)[.]”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies any allegations set forth in "Exhibit 1."

B. “The employer, and the office employers, knew Al is an Muslim-Alevi, his national origin is Turkey, he has disability including but not limited to listed above.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff reported certain information to Defendant relative to his race, national origin, and medical conditions. However, Defendant denies that any unlawful actions occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Al also included the declaration of his disabled status in job application, as he was diagnosed with Sleep Apnea and had gone through an intensive upper respiratory surgery prior to his employment.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff reported certain information to Defendant relative to medical conditions. However, Defendant denies that any unlawful actions occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

1) “Tom also made derogatory comments about how people with accent shall not be allowed to make any presentations.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations as to the content or substance of the referenced communications and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Al included this complaint in his HR Case two times and Verizon HR failed to follow up with him. On his third inquiry about this incident, the HR partner made a contact with the instructor of the event where Tom made public comment.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed internal complaints to Defendant's Human Resources Department. However, Defendant asserts that Defendant acted reasonably and in good faith with respect to those matters. Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “However, as this was more than a year after the incident, the instructor indicated he did not remember such remarks.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

C. “The supervisor Thomas Pietila (hereinafter "Tom", "Tom P.", "Supervisor", "Sr. Manager") retaliated against Al by adding additional workload, ordered Al to inspect underground manhole vaults with no assistance from sub-contractors or other engineers.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “These duties were not in-line with the job description which Al had applied for.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “And no other Engineer or managers were ordered to inspect manholes in the history of MCI/Verizon New Berlin Office.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

1) “Upon removal of a female engineer, BB, who had responsibility of the western half of the engineering work within State of Wisconsin, his supervisor Tom did not split the workload across his team of dozen engineers.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation so that Defendant could maintain proper staffing and ensure continuity with respect to the completion of job duties. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Rather he assigned Al to take over the work, initially mentioning to potentially hire a replacement.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation so that Defendant could maintain proper staffing and ensure continuity with respect to the completion of job duties. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Upon hiring a replacement, and announcing via email that the new employee to be assisting in replacement of the female employee, Tom assigned the new employee, SX, to assist Verizon 5G Team consisting of 5 engineers.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its

business operation so that Defendant could maintain proper staffing and ensure continuity with respect to the completion of job duties. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

2) “Tom assigned Al with unsafe work within the downtown Milwaukee area without any traffic control, manhole pumping, purging or any other requirements set forth by OSHA (Please see Exhibit 1-1D), few months following Al's first complaint to the HR in November of 2019. (Verizon HR case#101025, Please see attached Exhibit #2C)”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies any allegations set forth in "Exhibit 1-1D," "Verizon HR case#101025," and "Exhibit #2C."

- “Al also notified Verizon's independent HR complaint site called EthicsPoint and entered the details under the Report Key# 554623652301. (Please see Exhibit 2(B).)”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed internal complaints to Defendant's Human Resources Department. However, Defendant asserts that Defendant acted reasonably and in good faith with respect to those matters. Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph. Finally, Defendant denies any allegations set forth in "Exhibit 2(B)."

- “No HR representative follow-up with this inquiry until Summer of 2021.”

ANSWER: Defendant denies the allegations in the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed internal complaints to Defendant's Human Resources Department. However, Defendant asserts that Defendant acted reasonably and in good

faith with respect to those matters. Defendant further asserts that Defendant responded to Plaintiff's inquiries in the normal course of a workplace complaint and maintained contact with Plaintiff throughout the process. Defendant denies that it was unresponsive to Plaintiff's concerns.

- “On November 7 and 11, 2019 Tom visited Al's workspace confronting about the HR complaint.”

ANSWER: Defendant lacks information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. However, Defendant denies that any unlawful confrontational behavior occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “He told Al that he needs to clear this up or else ‘He would show where the door is...’.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “He asked Al to nullify the HR investigations and indicate Al did it in a burst of personal upset.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations as to the content or substance of the referenced communication. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Verizon HR did not make an attempt to Al's inquiry up until February 25th of 2020.”

ANSWER: Defendant denies the allegations in the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed internal complaints to Defendant's Human Resources Department. However, Defendant asserts that Defendant acted reasonably and in good faith with respect to those matters. Defendant further asserts that Defendant responded to Plaintiff's inquiries in the normal course of a workplace complaint and maintained contact with Plaintiff throughout the process. Defendant denies that it was unresponsive to Plaintiff's concerns.

3) “During this time, he was forced to inspect underground (UG) manholes against his will and responsibilities.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

- “Despite the OSHA requirements set forth by USA DOL, he was not supplied with PPE, Traffic Control Measurements, City Permits for inspections, UG manhole inspection apparatuses or any other instruments set forth by OSHA standards.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “During these winter months, Al had two slip and fall incidents which were disregarded or displayed as poor skillsets of him.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations related to "slip and fall" incidents and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of

wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “During the first months of 2020, Al started experiencing lower back pain and strains on his spine.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “He immediately sought Physical Therapy, however, found no available appointments until May 2020 due to Covid-19 pandemic.”

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “Since May of 2020, he has been visiting PT clinics, chiropractors, urgent clinics, Primary Care Physicist.”

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

4) “Due to excessive toxic gases Al started to experience upper respiratory issues where he developed bacterial infections two separate times and prescribed with heavy antibiotics by an urgent clinic in December of 2019 and February of 2020. (*See Exhibit A: Medical Reports-Confidential*)”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all

assertions of wrongdoing on the part of Defendant. Finally, Defendant denies any allegations set forth in "Exhibit A: *Medical Reports-Confidential*)."

5) "In addition to the respiratory issues, he had two separate slip and fall occasions which resulted with chronic backpain, injured knee and injuries to his lower back."

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

• "As US government declared pandemic emergency under Covid-19 conditions, he wasn't able to secure a spinal specialist until May 2020."

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph related to a "spinal specialist" and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

• "When the doctor ordered X-Ray on his lower back, it revealed injuries to his lower back including the region described as L3, L4 and L5-SI per spinal specialist terms. In addition, there were injuries to his facet joints where it restricts his mobility, if not permanent, in the long term. (*See Exhibit A: Medical Records- Confidential*)[".]"

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph. Finally, Defendant denies any allegations set forth in "Exhibit A: *Medical Records-Confidential*)."

6) "Lower qualified work assignments continued[".]"

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

7) “Pay cut occurred due to poor performance ratings. Zero pay increase for AI as opposed to everyone else in team received 3-5% increase plus bonus, 401k and Stock Match.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant denies that Plaintiff ever incurred a pay cut. Defendant further denies that any unlawful actions occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant further denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

D. “Other Engineers(Level 3 or 4) including but not limited to; Joseph G, Marc F, Mark P, Lisa S, Bryanna E and Corey S were not assigned with any of the "Outside work" that AI has been assigned in winter months.”

ANSWER: Defendant denies the allegations in the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation so that Defendant could maintain proper staffing and ensure continuity with respect to the completion of job duties. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant further denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

- “No other engineering group within Verizon's Midwest footprint performs such duties.”

ANSWER: To the extent that the allegations in the preceding paragraph are material to the claims pled in the Complaint, Defendant denies that Plaintiff was subjected to disparate

treatment or discrimination on any basis. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “All outside work is contracted to the construction vendors for construction, permitting vendors for permits and design vendors for design work.”

ANSWER: To the extent that the allegations in the preceding paragraph are material to the claims pled in the Complaint, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “However, Al was forced to perform manhole inspections against his will and employment practices without any support.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

- 1) “All engineers listed above were employed prior to Al and had established a working relationship with the supervisor Tom. They all reported to Tom within similar duties to Al’s.”

ANSWER: To the extent that the allegations in the preceding paragraph are material to the claims pled in the Complaint, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- 2) “All engineers listed worked as a Project Manager (PM) rather than do actual design, permitting, construction or inspection.”

ANSWER: To the extent that the allegations in the preceding paragraph are material to the claims pled in the Complaint, Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation. Defendant denies that Plaintiff was

subjected to disparate treatment or discrimination on any basis. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

3) “All engineers were assigned with a master contract which allowed them to assign their daily duties over to vendors.”

ANSWER: To the extent that the allegations in the preceding paragraph are material to the claims pled in the Complaint, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

4) “In fact, Verizon 5G Team handling a contract within Sun Prairie, WI has caused an explosion that killed one Fire Fighter in end of 2018.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “Despite, no one had been through any investigations or performance reviews similar to what AL has been through.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Finally, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

E. “Upon 3(three) internal complaints Al reached out to EEOC with the initial complaint under EEOC #443-2021-00971 in March of 2021 after continuous disregard from Verizon HR group.”

ANSWER: Defendant denies the allegations in the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed two Charges of Discrimination with the U.S. Equal Employment Opportunity Commission. However, Defendant denies that any unlawful

actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “The supervisor in conjunction with the Verizon HR Business Partners (Listed as defendants in the attached "Defendant List") started an oversight with a pretext motives to lower Al's Performance Evaluations starting May of 2021, which resulted with termination of employment in October of 2021.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies any allegations set forth in the document "Defendant List."

1) “No other engineer in the office had a performance review in a matter similar to Al’s.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Finally, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

2) “The so-called ‘Performance Improvement Plan’ (PIP) review was prepared by Tom Pietila and Kitty Rosa who knew of Al's two initial complaints against Tom and few others in the office.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it issued a Performance Improvement Plan to Plaintiff that was prepared by Tom Pietila and Kitty Rosa. However, Defendant denies that any unlawful actions occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant further denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

- “However, she still had chosen to retaliate against Al.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

3) “If all other engineers were subjected to a so-called performance review, they, too, would have ended up with a 60-day probationary period, disciplined, denied promotion or terminated due to amount of work and structure of the performance goals.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

4) “There has been no performance-improvement evaluations performed within the last several years, up until Al has complained to HR about discrimination.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

5) “Verizon performs End of Year (EOY) Performance review where AL received satisfactory performance on his first year in 2019 and early 2020.”

ANSWER: Defendant denies the allegations in the preceding paragraph as they are stated. Defendant admits only that Plaintiff received a "performing" job performance rating in 2019. Defendant denies that Plaintiff received a satisfactory job performance evaluation in 2020. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “However, due to his HR complaints it was switched to lower performance in 2021.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “The performance review for any given year is done in March of following year.”

ANSWER: To the extent that the allegations in the preceding paragraph are material to the claims pled in the Complaint, Defendant denies that performance reviews for any given year are completed in March of the following year. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “Therefore, Al's supervisor Tom lowered Al's 2020 review in March of 2021, in a pretext move to initiate the PIP Review.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- 6) “PIP review resulted termination of Al's employment in October of 2021.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- 7) “Al initiated retaliation complaint to EEOC under Case #443-2022-00354, on November 9, 2021.”

ANSWER: Defendant denies the allegations of the previous paragraph as they are stated. Defendant admits only that Plaintiff filed two Charges of Discrimination with the U.S. Equal Employment Opportunity Commission. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Mid-March of 2022 the case was re-assigned to the EEOC Los Angeles, CA.”

ANSWER: Defendant lacks information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “On March 27th of 2022 this office dismissed the complaint.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that the Equal Employment Opportunity Commission advised Plaintiff that it was issuing a Dismissal and Notice of Rights with respect to EEOC Charge No. 443-2022-00354. However, Defendant denies that any Dismissal and Notice of Rights documents are included in Plaintiff's Complaint. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- 8) “During this time few engineers in the New Berlin Office got promotions.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

- “Corey Saffert was promoted to a level-4 manager having less engineering experience than Al.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation. However, Defendant denies that any unlawful actions or harm occurred and

denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

- “Marc Fisher was promoted to Lead Market Engineer.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

- “Mark Peeters was promoted to Level-4 Engineer.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

9) “None of the reasons stated in Al's termination or PIP review were included in the promotion of these individuals.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation. However, Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff

was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

IV. Harassment

- “In addition to the details supplied under Subject "I-Disparate Treatment", the following harassment incidents were observed.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies any allegations set forth in "I-Disparate Treatment."

A. “Al began his employment on or around May 20, 2019, and was employed as an Engineering Specialist 3, described as management employee per Verizon standards while utilizing his Civil Engineering degrees.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits that on or about May 20, 2019, Defendant hired Plaintiff for the position of Engineer III Specialist. Defendant further admits that Plaintiff's position was classified as management. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “During this employment, Al was subjected to various slurs regarding his national origin and religion by Tom and few members of the team, located at New Berlin, Wisconsin.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “Al complained to the Human Resources about the harassment he was subjected to on multiple occasions, and Verizon HR did nothing to stop the harassment.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed internal complaints to Defendant's Human Resources Department. However, Defendant asserts that Defendant acted reasonably and in good faith with respect to those matters. Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Not only the HR disregarded Al's inquiries, but his manager also started retaliating against him by assigning additional work, lowering his performance review score, denying the bonus most employees receive, assigning him to field work throughout the winter months despite cold weather conditions and without the proper training or Personal Protective Equipment (PPE), which are listed as mandatory compliance per USA Department of Labor (DOL) and Occupational Safety and Health Administration (OSHA). (*See Exhibit 1 for details*)”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies any allegations set forth in "Exhibit 1."

- “The complaints to the employer included statements made by the supervisor Tom and others within the team, dating back to September of 2019.”

ANSWER: Defendant lacks information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “Supervisor mocked Al about his religion and in one occasion said ‘What kind of muslim [*sic*] are you eating all that crap?’ Referring to Al’s choice of diet, etc...”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations as to the content or substance of the referenced communication and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions

or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Supervisor is a retired US Army veteran, who could frequently refer to his duty moments, saying "I don't know how many of those bastards I shot!" talking about muslims [*sic*] in the Middle Eastern region.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations as to the content or substance of the referenced communication and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

B. “The employer, and the office employers, knew Al is an Muslim-Alevi, his national origin is Turkey, he has disability including but not limited to listed above.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff reported certain information to Defendant relative to his race, national origin, and medical conditions. However, Defendant denies that any unlawful actions occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Al also included the declaration of his disabled status in job application, as he was diagnosed with Sleep Apnea and had gone through an intensive upper respiratory surgery prior to his employment.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff reported certain information to Defendant relative to medical conditions. However, Defendant denies that any unlawful actions occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

C. “The supervisor Thomas Pietila (hereinafter ‘Tom’, ‘Tom P.’, ‘Supervisor’, ‘Sr. Manager’) retaliated against Al by adding additional workload, ordered Al to inspect underground manhole vaults with no assistance from sub-contractors or other engineers.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “These duties were not in-line with the job description which Al had applied for.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “And no other Engineer or managers were ordered to inspect manholes in the history of MCI/Verizon New Berlin Office.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

1) “Prior to and even after Al's complaint to the HR Group Tom watched other members of the team, Corey S. and Marc F., humiliate Al in public. (November 2019 through May 2020)[.]”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

2) “Tom sent email notifying Marc is the temporary lead manager on BAU work vs Al.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its

business operation. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

- “Same email indicates the newly hired engineer, RJ, will be taking the lead, email dated 04/16/2020.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

3) “Workplace harassment continued due to non-responsiveness of the Verizon HR group. (See emails in regard to ‘The Dog Incident’ and group humiliation and defaming of AI in various emails)”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

4) “Following the ‘Dog Incident’ with Corey, Tom observed AI and Corey discussing the incident and Tom laughed when Corey said ‘Of course I don’t believe a word from people from that part of the world...’”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff’s allegations as to the content or substance of the referenced communication and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

5) “Tom sent an email to Al indicating people are watching me and talking about me in the hallway.

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations as to the content or substance of the referenced communication and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was targeted for surveillance. Defendant further denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

- Time to time, he would make snide comments about how people know to keep an eye on Al.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations as to the content or substance of the referenced communications and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was targeted for surveillance. Defendant further denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

6) “In December of 2019, Tom mentioned on a call that he drove past Al's residence to find out where he is.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations as to the content or substance of the referenced communication and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was targeted for surveillance. Defendant further denies that Plaintiff was subjected to

disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

7) “In Spring of 2020 while Al is in a vendor meeting, Tom said he doesn't trust Al and that he will drive by to ask others If that was true.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations as to the content or substance of the referenced communication and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was targeted for surveillance. Defendant further denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

- “Later on asking vendors about his meeting and whereabouts of A, [sic] even If Al had replied to Tom via email.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations as to the content or substance of the referenced communication and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was targeted for surveillance. Defendant further denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

D. “Harassments continued and Al finally requested FMLA time-off due to mental health needs due to Extreme Emotional Stress.”

ANSWER: Defendant denies the allegations in the preceding paragraph as they are stated. Defendant admits only that Plaintiff requested leave under the Family and Medical Leave Act. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions

of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

1) “Al had been seeing a Social Worker (Alicia M, LCSW) starting Spring of 2020 and she had recorded the chain of events and the emotional stress induced by Al's work environment. (See Medical Records. Confidential)”

ANSWER: Defendant lacks information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph. Finally, Defendant denies any allegations set forth in "Medical Records. Confidential."

2) “Al also started seeing a psychiatrist who recorded the continuous complaints and helped Al with coping mechanisms.”

ANSWER: Defendant lack information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

E. “The respondent's hostile and different treatment of Al compared to other members of the team, which are all White and Christian in faith, establishes additional evidence of religious discrimination as well as circumstantial evidence of race, color, ethnic background, national origin and disability discrimination.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

1) “Discriminatory motive can be inferred from the differences in the treatment of two groups.”

ANSWER: Defendant asserts that the allegations set forth in the preceding paragraph are a statement of law that does not require a response. To the extent that an answer is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant further denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

- “And it appeared rest of the team was from a small community within Waukesha County, Wisconsin where most people are primarily white Christians.”

ANSWER: To the extent that the allegations in the preceding paragraph are material to the claims pled in the Complaint, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

2) “The team found the religious jokes funny, despite his complaint to the HR.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

F. “Verizon HR did nothing to stop the hostile work environment.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

G. “No other engineer in the office had issues similar to Al’s.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

V. Denial of Accommodations

- “In addition to the details supplied under Subject ‘I-Disparate Treatment’ and ‘II-Harassment’ the following incidents were observed, supporting Denial of Reasonable Accommodations.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies any allegations set forth in Subject "I-Disparate Treatment" and ‘II-Harassment.'

A. “Al complained to the Human Resources about the harassment he was subjected to on multiple occasions, and Verizon HR did nothing to stop the harassment.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed internal complaints to Defendant's Human Resources Department. However, Defendant asserts that Defendant acted reasonably and in good faith with respect to those matters. Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Furthermore, it denied the reasonable accommodations Al's Licensed Clinical Social Worker and Psychiatrist suggested or supplied.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “Al made numerous requests to the Verizon HR about change of teams, position or even a region.”

ANSWER: Defendant denies the allegations in the preceding paragraph as they are stated. Defendant admits only that on or about October 28, 2020, Plaintiff required that he be

transferred to a different work team. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “Al requested accommodations to stop the retaliation.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

B. “The supervisor Thomas Pietila (hereinafter ‘Tom’, ‘Tom P.’, ‘Supervisor’, ‘Sr. Manager’) retaliated against Al by adding additional workload, ordered Al to inspect underground manhole vaults with no assistance from sub-contractors or other engineers.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “These duties were not in-line with the job description which Al had applied for.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “And no other Engineer or managers were ordered to inspect manholes in the history of MCI/Verizon New Berlin Office.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

1) “Prior to and even after Al's complaint to the HR Group Tom watched other members of the team, Corey S. and Marc F., humiliate Al in public. (November 2019 through May 2020)”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

2) “Tom sent email notifying Marc is the temporary lead manager on BAU work vs Al. Same email indicates the newly hired engineer, RJ, will be taking the lead, email dated 04/16/2020.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

3) “Workplace harassment continued due to non-responsiveness of the Verizon HR group. (See emails in regard to ‘The Dog Incident’ and group humiliation and defaming of Al in various emails)”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

4) “Following the ‘Dog Incident’ with Corey, Tom observed Al and Corey discussing the incident and Tom laughed when Corey said ‘Of course I don’t believe a word from people from that part of the world...’”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff’s allegations as to the content or substance of the referenced communication and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

5) “Tom sent an email to Al indicating people are watching me and talking about me in the hallway.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations as to the content or substance of the referenced communication and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was targeted for surveillance. Defendant further denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

- “Time to time, he would make snide comments about how people know to keep an eye on Al.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations as to the content or substance of the referenced communications and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was targeted for surveillance. Defendant further denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

6) “In December of 2019, Tom mentioned on a call that he drove past Al's residence to find out where he is.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations as to the content or substance of the referenced communication and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was targeted for surveillance. Defendant further denies that Plaintiff was subjected to

disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

7) “In Spring of 2020 while Al is in a vendor meeting, Tom said he doesn't trust Al and that he will drive by to ask others If that was true. Later on asking vendors about his meeting and whereabouts of A, even If Al had replied to Tom via email.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff's allegations as to the content or substance of the referenced communication and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was targeted for surveillance. Defendant further denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph..

C. “Harassments continued and Al finally requested FMLA time-off due to mental health needs due to Extreme Emotional Stress.”

ANSWER: Defendant denies the allegations in the preceding paragraph as they are stated. Defendant admits only that Plaintiff requested leave under the Family and Medical Leave Act. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

1) “Al had been seeing a Social Worker (Alicia M, LCSW) starting Spring of 2020 and she had recorded the chain of events and the emotional stress induced by Al's work environment. (See Medical Records. Confidential)”

ANSWER: Defendant lacks information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing

on the part of Defendant. Finally, Defendant denies any allegations set forth in "Medical Records. Confidential."

2) "Al also started seeing a psychiatrist who recorded the continuous complaints and helped Al with coping mechanisms."

ANSWER: Defendant lack information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

D. "The respondent's hostile and different treatment of Al compared to other members of the team, which are all White and Christian in faith, establishes evidence of religious discrimination as well as circumstantial evidence of race, color, ethnic background, national origin and disability discrimination."

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant further denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

1) "Discriminatory motive can be inferred from the differences in the treatment of two groups.

ANSWER: Defendant asserts that the allegations set forth in the preceding paragraph are a statement of law that does not require a response. To the extent that an answer is required, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant further denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

- And it appeared rest of the team was from a small community within Waukesha County, Wisconsin where most people are primarily white Christians."

ANSWER: To the extent that the allegations in the preceding paragraph are material to the claims pled in the Complaint, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

2) “The team found the religious jokes funny, despite his complaint to the HR.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

E. “Verizon HR did nothing to stop the hostile work environment.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

F. “No other engineer in the office had issues similar to Al’s.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

VI. Federal Compliance Matters

- “Verizon offers various purchasing and procurement options with US government agencies.”

ANSWER: To the extent that the allegations in the preceding paragraph are material to the claims pled in the Complaint, Defendant admits it offers various purchasing and procurement options with US government agencies.

- “It's details are posted on “Public Sector” section of the website Verizon.com. and it indicates a trusted technology partner involving US Government contracts including but not limited to DTS-P II (Defense Information System Agency), DISN (Defense Information System Network), PACOM (Pacific Command), Agency of FEMA, etc...”

ANSWER: To the extent that the allegations in the preceding paragraph are material to the claims pled in the Complaint, Defendant admits the allegations in the preceding paragraph.

- “Al reached out to the Verizon HR group starting in October of 2019, throughout the Spring of 2020 and leading up to the termination of his employment, with numerous complaints indicating non-compliance to the US Federal Regulations including but not limited to the OSHA Standards.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed internal complaints to Defendant's Human Resources Department. However, Defendant asserts that Defendant acted reasonably and in good faith with respect to those matters. Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

A. “Al began his employment on or around May 20, 2019, and was employed as an Engineering Specialist 3, described as management employee per Verizon standards while utilizing his Civil Engineering degrees.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits that on or about May 20, 2019, Defendant hired Plaintiff for the position of Engineer III Specialist. Defendant further admits that Plaintiff's position was classified as management. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Prior to his employment with Verizon, Al was an employee of Prime Contractor for design services under Tesinc, Inc. A subsidiary of publicly owned Telecom company, Dycom Industries, Inc.”

ANSWER: Defendant lacks information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “He was the market lead handling all matter related to Verizon's 5G network deployment.”

ANSWER: Defendant lacks information sufficient to form a belief as to the truth of the allegations in the preceding paragraph as to Plaintiff's characterization of his job duties and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “Al established a working relationship with the local municipalities, several counties and Wisconsin Department of Transportation during his telecom Design Manager role in at&t [sic] as well as previous State Of Wisconsin government employment.”

ANSWER: Defendant lacks information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “When his supervisor Thomas Pietila observed the work ethic and the performance of Al, he offered Al a job within Verizon Business unit, working directly for Verizon, the client.”

ANSWER: Defendant lacks information sufficient to form a belief as to the truth of Plaintiff's allegations as to the content or substance of the referenced communication and, therefore, denies them on those grounds. However, Defendant denies that Thomas Pietila had the authority to offer Plaintiff a position with Defendant. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

B. “Shortly after start of employment, Tom's team gave Al instructions as to how and what they expected of him under this employment.”

ANSWER: Defendant lacks information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “Al was told Tom wanted to cut ties with Dycom and instead secure contracts with few other vendors that have close relationship with them by manipulating their progress reports.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

1) “He was tasked to setup rigged contract outsourced to minimum three vendors, as required by the corporate rules, split some work of the \$100M+ contract to three, then not assign any work to the other two firms that they do not want to work with.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

2) “Al was instructed to de-scope projects from his previous employer as he knew the progress areas and areas of concerns.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

3) “Al was instructed to manipulate the data in a way that their close-ally has significant progress.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

4) “He was tasked with retaliation against not only the previous employer Dycom, but also the prime contractor handling western part of the state, Bear Communications.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

5) “Al was tasked to assign work to Tom's close friend handling small projects in IL, as Tom knew them from having worked in IL.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

C. “The supervisor Thomas Pietila (hereinafter "Tom", "Tom P.", "Supervisor", "Sr. Manager") retaliated against Al by adding additional workload, ordered Al to inspect underground manhole vaults with no assistance from sub-contractors or other engineers.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “These duties were not in-line with the job description which Al had applied for.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “And no other Engineer or managers were ordered to inspect manholes in the history of MCI/Verizon New Berlin Office.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

1) “Upon removal of a female engineer, BB, who had responsibility of the western half of the engineering work within State of Wisconsin, his supervisor Tom did not split the workload across his team of dozen engineers.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation so that Defendant could maintain proper staffing and ensure continuity with respect to the completion of job duties. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Rather he assigned Al to take over the work, initially mentioning to potentially hire a replacement.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation so that Defendant could maintain proper staffing and ensure continuity with respect to the completion of job duties. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “Upon hiring a replacement, and announcing via email that the new employee to be assisting in replacement of the female employee, Tom assigned the new employee, SX, to assist Verizon 5G Team consisting of 5 engineers.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

2) “Tom assigned Al with unsafe work within the downtown Milwaukee area without any traffic control, manhole pumping, purging or any other requirements set forth by OSHA (Please see Exhibit 1-1D), few months following Al's first complaint to the HR in November of 2019. (Verizon HR case#101025, Please see attached Exhibit #2C)”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies any allegations set forth in "Exhibit 1-1D," "Verizon HR case#101025," and "Exhibit #2C."

- “Al also notified Verizon's independent HR complaint site called EthicsPoint and entered the details under the Report Key# 554623652301. (Please see Exhibit 2(B).)”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed internal complaints to Defendant's Human Resources Department. However, Defendant asserts that Defendant acted reasonably and in good faith with respect to those matters. Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph. Finally, Defendant denies any allegations set forth in "Exhibit 2(B)."

- “No HR representative follow-up with this inquiry until Summer of 2021.”

ANSWER: Defendant denies the allegations in the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed internal complaints to Defendant's Human Resources Department. However, Defendant asserts that Defendant acted reasonably and in good faith with respect to those matters. Defendant further asserts that Defendant responded to Plaintiff's inquiries in the normal course of a workplace complaint and maintained contact with Plaintiff throughout the process. Defendant denies that it was unresponsive to Plaintiff's concerns.

- “On November 7 and 11, 2019 Tom visited Al's workspace confronting about the HR complaint.”

ANSWER: Defendant lacks information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. However, Defendant denies that any unlawful confrontational behavior occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “He told AI that he needs to clear this up or else ‘He would show where the door is...’.”

ANSWER: Defendant lacks information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “He asked AI to nullify the HR investigations and indicate AI did it in a burst of personal upset.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of Plaintiff’s allegations as to the content or substance of the referenced communication. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph..

- “Verizon HR did not make an attempt to AI’s inquiry [*sic*] up until February 25th of 2020.”

ANSWER: Defendant denies the allegations in the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed internal complaints to Defendant’s Human Resources Department. However, Defendant asserts that Defendant acted reasonably and in good faith with respect to those matters. Defendant further asserts that Defendant responded to

Plaintiff's inquiries in the normal course of a workplace complaint and maintained contact with Plaintiff throughout the process. Defendant denies that it was unresponsive to Plaintiff's concerns.

3) "During this time, he was forced to inspect underground (UG) manholes against his will and responsibilities."

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

- "Despite the OSHA requirements set forth by USA DOL, he was not supplied with PPE, Traffic Control Measurements, City Permits for inspections, UG manhole inspection apparatuses or any other instruments set forth by OSHA standards."

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- "During these winter months, Al had two slip and fall incidents which were disregarded or displayed as poor skillsets of him."

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations related to "slip and fall" incidents and, therefore, denies them on those grounds. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- "During the first months of 2020, Al started experiencing lower back pain and strains on his spine."

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those

grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “He immediately sought Physical Therapy, however, found no available appointments until May 2020 due to Covid-19 pandemic.”

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “Since May of 2020, he has been visiting PT clinics, chiropractors, urgent clinics, Primary Care Physicist.”

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

4) “Due to excessive toxic gases Al started to experience upper respiratory issues where he developed bacterial infections two separate times and prescribed with heavy antibiotics by an urgent clinic in December of 2019 and February of 2020. (*See Exhibit A: Medical Reports-Confidential*)”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph. Finally, Defendant denies any allegations set forth in "*Exhibit A: Medical Reports-Confidential*)."

5) “In addition to the respiratory issues, he had two separate slip and fall occasions which resulted with chronic backpain, injured knee and injuries to his lower back.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “As US government declared pandemic emergency under Covid-19 conditions, he wasn't able to secure a spinal specialist until May 2020.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph related to a "spinal specialist" and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “When the doctor ordered X-Ray on his lower back, it revealed injuries to his lower back including the region described as L3, L4 and L5-SI per spinal specialist terms.”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “In addition, there were injuries to his facet joints where it restricts his mobility, if not permanent, in the long term. (*See Exhibit A: Medical Records- Confidential[.]*)”

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preceding paragraph and, therefore, denies them on those

grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph. Finally, Defendant denies any allegations set forth in "Exhibit A: *Medical Records-Confidential*).

6) “Lower qualified work assignments continued[.]”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

7) “Pay cut occurred due to poor performance ratings. Zero pay increase for AI as opposed to everyone else in team received 3-5% increase plus bonus, 401(k) and Stock Match.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant denies that Plaintiff ever incurred a pay cut. Defendant further denies that any unlawful actions occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

D. “Other Engineers (Level 3 or 4) including but not limited to; Joseph G, Marc F, Mark P, Lisa S, Bryanna E and Corey S were not assigned with any of the "Outside work" that AI has been assigned in winter months.”

ANSWER: Defendant denies the allegations in the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant further denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

- “No other engineering group within Verizon's Midwest footprint performs such duties.”

ANSWER: To the extent that the allegations in the preceding paragraph are material to the claims pled in the Complaint, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “All outside work is contracted to the construction vendors for construction, permitting vendors for permits and design vendors for design work.”

ANSWER: To the extent that the allegations in the preceding paragraph are material to the claims pled in the Complaint, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “However, Al was forced to perform manhole inspections against his will and employment practices without any support.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

- 1) “All engineers listed above were employed prior to Al and had established a working relationship with the supervisor Tom. They all reported to Tom within similar duties to Al’s.”

ANSWER: To the extent that the allegations in the preceding paragraph are material to the claims pled in the Complaint, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

2) “All engineers listed worked as a Project Manager (PM) rather than do actual design, permitting, construction or inspection.”

ANSWER: To the extent that the allegations in the preceding paragraph are material to the claims pled in the Complaint, Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

3) “All engineers were assigned with a master contract which allowed them to assign their daily duties over to vendors.”

ANSWER: To the extent that the allegations in the preceding paragraph are material to the claims pled in the Complaint, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

4) “In fact, Verizon 5G Team handling a contract within Sun Prairie, WI has caused an explosion that killed one Fire Fighter in end of 2018.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “Despite, no one had been through any investigations or performance reviews similar to what AL has been through.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

E. “Upon 3(three) internal complaints Al reached out to EEOC with the initial complaint under EEOC #443-2021-00971 in March of 2021 after continuous disregard from Verizon HR group.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits that Plaintiff filed internal complaints to Defendant's Human Resources Department. However, Defendant asserts that Defendant acted reasonably and in good faith with respect to those matters. Defendant further admits that Plaintiff filed two Charges of Discrimination with the U.S. Equal Employment Opportunity Commission. Defendant asserts that Defendant responded to Plaintiff's inquiries in the normal course of a workplace complaint and maintained contact with Plaintiff throughout the process. Defendant denies that it was unresponsive to Plaintiff's concerns. Defendant denies any remaining allegations in the preceding paragraph.

- “The supervisor in conjunction with the Verizon HR Business Partners (Listed as defendants in the attached "Defendant List") started an oversight with a pretext motives to lower Al's Performance Evaluations starting May of 2021, which resulted with termination of employment in October of 2021.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies any allegations set forth in the document "Defendant List."

1) “No other engineer in the office had a performance review in a matter similar to Al's.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

2) “The so-called "Performance Improvement Plan" (PIP) review was prepared by Tom and Kitty (Kirti) who knew of Al's two initial complaints against Tom and few others in the office.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it issued a Performance Improvement Plan to Plaintiff that was prepare by Tom Pietila and Kitty Rosa.. However, Defendant denies that any unlawful actions occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “However, she still had chosen to retaliate against Al.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

3) “If all other engineers were subjected to a so-called performance review, they, too, would have ended up with a 60-day probationary period, disciplined, denied promotion or terminated due to amount of work and structure of the performance goals.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

4) “There has been no performance-improvement evaluations performed within the last several years, up until Al has complained to HR about discrimination.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Finally, Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis.

5) “Verizon performs End of Year (EOY) Performance review where AL received satisfactory performance on his first year in 2019 and early 2020.”

ANSWER: Defendant denies the allegations in the preceding paragraph as they are stated. Defendant admits only that Plaintiff received a "performing" job performance rating in 2019. Defendant denies that Plaintiff received a satisfactory job performance evaluation in 2020. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- “However, due to his HR complaints it was switched to lower performance in 2021.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “The performance review for any given year is done in March of following year.”

ANSWER: To the extent that the allegations in the preceding paragraph are material to the claims pled in the Complaint, Defendant denies that performance reviews for any given year are completed in March of the following year. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “Therefore, Al's supervisor Tom lowered Al's 2020 review in March of 2021, in a pretext move to initiate the PIP Review.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

6) “PIP review resulted termination of Al's employment in October of 2021.”

ANSWER: Defendant denies the allegations in the preceding paragraph. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

7) “Al initiated retaliation complaint to EEOC under Case #443-2022-00354, on November 9, 2021.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that Plaintiff filed two Charges of Discrimination with the U.S. Equal Employment Opportunity Commission. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “Mid-March of 2022 the case was re-assigned to the EEOC Los Angeles, CA.”

ANSWER: Defendant lacks information sufficient to form a belief as to the truth of the allegations in the preceding paragraph and, therefore, denies them on those grounds. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant.

- “On March 27th of 2022 this office dismissed the complaint.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that the Equal Employment Opportunity Commission advised Plaintiff that it was issuing a Dismissal and Notice of Rights with respect to EEOC Charge No. 443-2022-00354. However, Defendant denies that any Dismissal and Notice of Rights documents are included in Plaintiff's Complaint. Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies any remaining allegations in the preceding paragraph.

- 8) “During this time few engineers in the New Berlin Office got promotions.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

- “Corey Saffert was promoted to a level-4 manager having less engineering experience than Al.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

- “Marc Fisher was promoted to Lead Market Engineer.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

- “Mark Peeters was promoted to Level-4 Engineer.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its

business operation. However, Defendant denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

9) “None of the reasons stated in Al’s termination or PIP review were included in the promotion of these individuals.”

ANSWER: Defendant denies the allegations of the preceding paragraph as they are stated. Defendant admits only that it made legitimate, non-discriminatory decisions related to its business operation. However, Defendant further denies that any unlawful actions or harm occurred and denies all assertions of wrongdoing on the part of Defendant. Defendant denies that Plaintiff was subjected to disparate treatment or discrimination on any basis. Defendant denies any remaining allegations in the preceding paragraph.

GENERAL DENIAL

Defendant construes Plaintiff’s Complaint as comprising Pages 1-31 of ECF No. 1. Defendant denies all allegations set forth therein not expressly admitted herein. Defendant further denies all allegations set forth in the remainder of ECF No. 1 not expressly admitted herein.

AFFIRMATIVE DEFENSES AND OTHER DEFENSES

Without undertaking a burden of proof except where strictly required by law, Defendant states the following affirmative and other defenses.

1. Some or all of the allegations in Plaintiff’s Complaint fail to state a claim for which relief can be granted.

2. To the extent that Plaintiff has agreed to arbitrate any or all of the claims asserted in the Complaint, the Complaint violates such agreements to arbitrate, and the Complaint should be dismissed and/or stayed and Plaintiff should be compelled to arbitrate.

3. Pursuant to the Court's Order dated February 1, 2024 (ECF No. 69) and the Court's Text Only Order (ECF No. 71) entered February 6, 2024, all claims against Verizon Benefits Center, Verizon Business Ntwk Srvs LLC, MCI Communications Srvs Inc., Thomas Pietila, Joseph Glisczinski, Mark Peeters, Corey Saffert, Verizon Business Office, Kirti Rose, Chelsea J. Meyers, Leslie Stephenson, Michael Calantone, Winsome Taik, John M Laughon, Lisa Lauture, Alice Hsieh, Roy Piestley, and Marc Fisher have been dismissed, and those parties have been dismissed as defendants in this matter. As such, no answer has been filed on behalf of those entities and individuals. To whatever extent it remains relevant, Defendant denies that those entities or individuals (and any of Defendant's employees) engaged in any unlawful actions.

4. Some or all of Plaintiff's claims are outside the scope of his Charges of Discrimination.

5. Some or all of Plaintiff's claims are barred by the applicable statute of limitations or Plaintiff's failure to comply with applicable administrative requirements or jurisdictional prerequisites.

6. Plaintiff's Complaint as against Defendant Verizon Communications, Inc., should be dismissed for insufficient service of process.

7. Plaintiff's claims are barred, in whole or in part, by the doctrines of waiver, estoppel, laches, and/or unclean hands.

8. Plaintiff's claims are barred because Defendant did not subject Plaintiff to any form of unlawful or improper discrimination or retaliation.

9. Plaintiff's claims are barred, in whole or in part, because at all relevant times Plaintiff was an at-will employee, and, therefore, Plaintiff was subject to separation of his

employment at any time, with or without cause, as long as said separation was not for an unlawful reason.

10. Defendant had legitimate, non-discriminatory and non-retaliatory reasons for each and every action taken in connection with Plaintiff's employment.

11. To the extent Plaintiff establishes that Defendant took any action against him due, in part, to any impermissible factor, it would have taken the same action in the absence of any impermissible motivating factor and, therefore, Plaintiff is not entitled to any relief; or, in the alternative, any relief to which Plaintiff is entitled is limited as provided by law.

12. Defendant acted reasonably and in good faith at all times in an effort to comply with all applicable federal and state laws. Defendant asserts that it did not intentionally or willfully violate Plaintiff's rights in any manner or otherwise act maliciously or negligently with respect to Plaintiff or any aspect of her employment. At no time did Defendant act with intent to injure Plaintiff or with any malice or reckless indifference toward Plaintiff or his rights.

13. Plaintiff's alleged damages, if any, should be reduced to the extent of any collateral source payments or other earnings.

14. Plaintiff's alleged damages, which are not admitted but are expressly denied, are barred to the extent that Plaintiff failed to act reasonably and diligently to mitigate any damages that he allegedly suffered.

15. Plaintiff's alleged injuries and damages, which are not admitted but are expressly denied, were proximately caused by Plaintiff's own conduct and therefore are barred or reduced in an amount to be determined.

16. To the extent that Plaintiff establishes liability on any of his claims, the amount of compensatory or punitive damages that Plaintiff may recover is limited as provided by law.

17. Plaintiff's claims for damages should be barred or limited by any after-acquired evidence discovered by Defendant that would show that Plaintiff's employment would have been terminated on other grounds.

18. Plaintiff's claims for medical bills and other injuries may be barred by the exclusive remedy provision of Wisconsin's worker's compensation laws.

19. Plaintiff has failed to plead the requisite factual circumstances to support a claim for punitive damages and/or hold Defendant liable for punitive damages based on the actions and/or inaction of its employees. In the alternative, Defendant may not be held liable for punitive damages due to its good-faith efforts to comply with all federal and state anti-discrimination laws.

20. Any claim for discrimination or retaliation is barred, or recovery of damages is precluded, because Defendant exercised reasonable care to promptly prevent and correct any alleged unlawful conduct.

21. Defendant incorporates herein by reference those affirmative defenses required to be set forth by Rule 8(c) of the Federal Rules of Civil Procedure.

22. Defendant reserves the right to amend its Answer and Defenses, and/or to assert any additional defenses discovered as a result of its own investigation and/or formal discovery in the above-captioned action.

CONCLUSION

WHEREFORE, Defendant, Version Communications, Inc., respectfully requests that the Court:

- A. Dismiss all claims against Defendant, Version Communications, Inc., with prejudice, in their entirety;
- B. Dismiss the Complaint with prejudice, in its entirety;
- C. Order that judgment be entered in Defendant's favor; and
- D. Award Defendant such other relief that justice so requires.

Dated this 15th day of February, 2024.

/s/ Brian G. Nuedling

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